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RUEKJCS/SECDEF WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RHEHAAA/WHITE HOUSE WASHINGTON DC

UNCLAS STATE 130359

SIPDIS

E.O. 12958: N/A

TAGS: [EFIN](#) [ETTC](#) [KTFN](#) [PREL](#) [PTER](#) [XW](#) [UNSC](#)

SUBJECT: USUN VOTING INSTRUCTION: ERITREA SANCTIONS UNSCR

REFS: A. PARIS 1686

[1](#)B. USUN 874

[1](#)1. This is an action request. USUN may vote in favor of the adoption of the resolution (text in para 2) that will create a new UN Security Council sanctions regime on Eritrea. A new sanctions committee and a new expert panel will not be created, and the sanctions regime will be monitored by the UNSC Somalia Sanctions Committee and its Monitoring Group. The sanctions include a territorial arms embargo on Eritrea and an asset freeze, travel ban, and a targeted arms embargo for those individuals and entities listed in the future by the UNSC Somalia Sanctions Committee. USUN should consult with Department if substantive changes are made to the resolution text. USUN may draw from the points in paras 3 (if resolution is adopted) or 4 (if not adopted) below after the vote or for press stakeouts.

TEXT OF RESOLUTION

[1](#)2. The Security Council,

PP1 Recalling its previous resolutions and statements of its President concerning the situation in Somalia and the border dispute between Djibouti and Eritrea, in particular its resolutions 751 (1992), 1844 (2008), and 1862 (2009), and its statements of 18 May 2009 (S/PRST/2009/15), 9 July 2009, (S/PRST/2009/19), and 12 June 2008 (S/PRST/2008/20),

PP2 Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea, respectively,

PP3 Expressing the importance of resolving the border dispute between Djibouti and Eritrea,

PP4 Reaffirming that the Djibouti Agreement and Peace Process represent the basis for a resolution of the conflict in Somalia, and further reaffirming its support for the Transitional Federal Government (TFG),

PP5 Noting the decision of the 13th Assembly of the African Union (AU) in Sirte, Libya, calling on the Council to impose sanctions against all those foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilizing activities in Somalia and undermining the peace and reconciliation efforts as well as

regional stability (S/2009/388),

PP6 Further noting the decision of the 13th Assembly of the AU in Sirte, Libya expressing its grave concern at the total absence of progress regarding the implementation by Eritrea of, inter alia, resolution 1862 (2009) regarding the border dispute between Djibouti and Eritrea (S/2009/388),

PP7 Expressing its grave concern at the findings of the Monitoring Group reestablished by resolution 1853 (2008) as outlined in its December 2008 report (S/2008/769) that Eritrea has provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability,

PP8 Condemning all armed attacks on TFG officials and institutions, the civilian population, humanitarian workers and the African Union Mission to Somalia (AMISOM) personnel,

PP9 Expressing its grave concern at Eritrea's rejection of the Djibouti Agreement, as noted the letter of 19 May 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council (S/2009/256),

PP10 Recalling its resolution 1844 (2008) in which it decided to impose measures against individuals or entities designated as engaging in or providing support to acts that threaten peace, security and stability in Somalia, acting in violation of the arms embargo or obstructing the flow of humanitarian assistance to Somalia,

PP11 Expressing its appreciation of the contribution of AMISOM to the stability of Somalia, and further expressing its appreciation for the continued commitment to AMISOM by the Governments of Burundi and Uganda,

PP12 Reiterating its intention to take measures against those who seek to prevent or block the Djibouti Peace Process,

PP13 Expressing its deep concern that Eritrea has not withdrawn its forces to the status quo ante, as called for by the Security Council in its resolutions 1862 (2009) and the statement of its President dated 12 June 2008 (S/PRST/2008/20),

PP14 Reiterating its serious concern at the refusal of Eritrea so far to engage in dialogue with Djibouti, or to accept bilateral contacts, mediation or facilitation efforts by sub-regional or regional organizations or to respond positively to the efforts of the Secretary General,

PP15 Taking note of the letter of the Secretary-General issued on 30 March 2009 (S/2009/163), and the subsequent briefings by the Secretariat on the Djibouti-Eritrea conflict,

PP16 Noting that Djibouti has withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary General,

PP17 Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the situation between Djibouti and Eritrea constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

11. Reiterates that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as

elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008);

¶2. Calls upon all Member States, including Eritrea, to support the Djibouti Peace Process and support reconciliation efforts by the TFG in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the TFG;

¶3. Reiterates its demand that Eritrea immediately comply with resolution 1862 (2009) and:

(i) Withdraw its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008;

(ii) Acknowledge its border dispute with Djibouti in Ras Doumeira and Doumeira Island, engage actively in dialogue to defuse the tension and engage also in diplomatic efforts leading to a mutually acceptable settlement of the border issue; and,

(iii) Abide by its international obligations as a Member of the United Nations, respect the principles mentioned in article 2, paragraphs 3, 4, and 5, and article 33 of the Charter, and cooperate fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3 of resolution 1862 (2009);

¶4. Demands that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June, 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

¶5. Decides that all Member States shall immediately take the necessary measures to prevent the sale or supply to Eritrea by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories;

¶6. Decides that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea;

¶7. Calls upon all Member States to inspect, in their territory, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, transfer, or export of which is prohibited by paragraph 5 and 6 of this resolution or the general and complete arms embargo against Somalia established pursuant to paragraph 5 of resolution 733 (1992) and elaborated and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions;

¶8. Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 above, seize and dispose (either by destroying or rendering inoperable) items the supply, sale, transfer, or export of which is prohibited

by paragraphs 5 and 6 of this resolution and decides further that all Member States shall cooperate in such efforts;

¶9. Requires any Member State when it finds items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution to submit promptly a report to the Committee containing relevant details, including the steps taken to seize and dispose of the items;

¶10. Decides that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals, designated by the Committee established pursuant to resolution 751 (1992) and expanded by resolution 1844 (2008) (herein "the Committee") pursuant to the criteria in paragraph 15 below, provided that nothing in this paragraph shall oblige a state to refuse entry into its territory its own nationals;

¶11. Decides that the measures imposed by paragraph 10 above shall not apply:

(a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or,

(b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region;

¶12. Decides that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 15 below;

¶13. Decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 below, or by individuals or entities acting on their behalf or their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities;

¶14. Decides that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, or routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee

of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 11 above, and has been notified by the relevant Member State(s) to the Committee;

¶15. Decides that the provisions of paragraph 10 above shall apply to individuals, including but not limited to Eritrean political and military leadership, and that the provisions of paragraphs 12 and 13 above shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee:

(a) as violating the measures established by paragraphs 5 and 6 above;

(b) as providing support from Eritrea to armed opposition groups which aim to destabilize the region;

(c) as obstructing implementation of resolution 1862 (2009) concerning Djibouti;

(d) as harboring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) as obstructing the investigations or work of the Monitoring Group;

¶16. Demands that all Member States, in particular Eritrea, cease arming, training, and equipping armed groups and their members, including al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti;

¶17. Demands Eritrea cease facilitating travel and other forms of financial support to individuals and entities designated by the Committee and other Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions;

¶18. Decides to further expand the mandate of the Committee to undertake the following tasks:

(a) to monitor, with the support of the Monitoring Group, the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above;

(b) to designate those individuals or entities subject to the measures imposed by paragraphs 10, 12 and 13 above, pursuant to the criteria set forth in paragraph 15 above;

(c) to consider and decide upon requests for exemptions set out in paragraphs 11 and 14 above;

(d) to update its guidelines to reflect its additional tasks;

¶19. Decides to further expand the mandate of the Monitoring Group reestablished by resolution 1853 (2008) to monitor and report on implementation of the measures imposed in this resolution and undertake the tasks outlined below, and requests the Secretary-General to make appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate, and in addition:

(a) assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12, and 13 above, including by reporting any information on violations;

(b) consider any information relevant to implementation of paragraphs 16 and 17 above that should be brought to the attention of the Committee;

(c) include in its reports to the Security Council any information relevant to the Committee's designation of the individuals and entities described in paragraph 15 above;

(d) coordinate as appropriate with other Sanctions Committee's panels of experts in pursuit of these tasks;

¶20. Calls upon all Members States to report to the Security Council within 120 days of the adoption of this resolution on steps they have taken to implement the measures outlined in the paragraphs 5, 6, 10, 12, and 13;

¶21. Affirms that it shall keep Eritrea's actions under review and that it shall be prepared to adjust the measures, including through their strengthening, modification, or lifting, in light of Eritrea's compliance with the provisions of this resolution;

¶22. Requests the Secretary-General to report within 180 days on Eritrea's compliance with the provisions of this resolution;

¶23. Decides to remain actively seized of the matter.

END TEXT

TALKING POINTS

¶3. If resolution is adopted:

- The United States commends the efforts of the African Union and the Intergovernmental Authority on Development for addressing the threat to international peace and security posed by the Government of Eritrea.

- We have supported adoption of this important resolution to demonstrate that the world stands united in efforts to return peace and security to the Horn of Africa.

- The Eritrean Government's actions reflect irresponsible behavior. It is absolutely unacceptable for Eritrea to support and fund efforts by al-Shabaab and other insurgents to topple Somalia Transitional Federal Government and attack African Union peacekeeping forces.

- We are also deeply concerned by Eritrea's failure to abide by UNSCR 1862 (2009) regarding the ongoing Djibouti/Eritrea border dispute.

- These actions threaten international peace and security and contribute to the dire humanitarian crisis. The Eritrean Government has chosen to fuel instability rather than commit to constructive dialogue and resolution of outstanding disagreements.

- The United States calls on President Isaias to immediately end Eritrea's destabilizing activities and instead to work towards improving the desperate situation

and lives of people in the Horn of Africa.

¶4. If resolution is NOT adopted use the following talking point instead of the first one above in para 3:

- The United States is deeply disappointed that the Security Council did not adopt a strong resolution, in support of this African regional initiative, condemning the destabilizing behavior of the Eritrean Government. We will continue to work with responsible partners in the international community who are committed to establishing peace and security in the Horn of Africa.

END TALKING POINTS.
CLINTON